

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division

THE BILL LUKOWSKI STEAMSHIP
AGENCY, INC., *et al.*,

*

Plaintiff/intervening plaintiffs,
* Civil Action No.
* 08-1077 CCB

v.

*

MIV SNOW BIRD, her engines, tackle and
apparel, IMO No. 7726744,

*

Defendants *in rem/in personam.* *

* * * * * * * * * * *

**SUPPLEMENTARY MEMORANDUM
SUPPORTING MERLIN PETROLEUM'S
MOTION FOR INTERLOCUTORY SALE
OF THE M/V SNOW BIRD**

Pursuant to this Court's June 3, 2008 Order, intervening plaintiff Merlin Petroleum Company, Inc. supplements its original Motion and Supporting Memorandum for the Interlocutory Sale of the M/V SNOWBIRD ("Vessel").

This Court now should order the interlocutory United States Marshal's sale of the Vessel.

Background

On April 29, 2008 - nearly a month and a half ago - the Bill Lukowski Steamship Agency ("Lukowski") arrested the Vessel, and it has been under arrest ever since. Merlin intervened on May 5th, and Gloucester Terminals intervened shortly afterwards. Vespucci Marine, the owner/claimant ("Owner"), has been unable to post security, of any type (not even, an insurer's letter of undertaking) for the Vessel's release. Vespucci - whose only operation appears to be, ownership of the Vessel - has shown no ability to pay the claims against the Vessel or to post

security, much less, any foreseeable prospect of paying the claims, or posting security for them, any time in the future.

Although Owner has been paying most post-arrest expenses, it has failed to pay about \$50,000 of them (for wharfage), and there also is no assurance that Owner will be able interminably to pay vessel expenses (including crew wages, food, water, fuel) into the indefinite future, that it appears, but for a U.S. Marshal's sale, that the Vessel would be under arrest.

On May 28th, for example, Owner informed Lukowski, Merlin, and Gloucester that it was no longer able to pay the Vessel's expenses, necessitating emergency funding from the claimants to comply with U.S. Homeland Security regulations for guard service. Although Owner resumed payments on May 30, there is no assurance at all that Owner will not once again experience a "temporary cash shortage," necessitating additional emergency funding from claimants. This emergency funding - especially considering the relatively low value of the Vessel compared to all claims - as discussed below - could be very significant, very quickly. Daily guard service costs over \$2,000; wharfage, \$800-\$1,000, and the crew must be paid regularly; claimants estimate that crew wages are at least, \$10,000 per month. If crew are not paid, they could be entitled to double wages, as a penalty, under U.S. statutory maritime law.

The U.S. Coast Guard ("USCG") has determined that the Vessel is unfit to leave present, \$1,000 per day berth. For more than six weeks, Owner has conducted repairs and had certificates updated in an effort to satisfy Coast Guard requirements; presently, the Vessel lacks a Chief Engineer and Second Mate, both required to move from the berth even to anchorage (and remain under arrest there). A range of required certificates for the Vessel, also have expired. Despite the time and expense invested, the Vessel has continuously failed Coast Guard inspections. There is no indication at this point in time that Owner will be able to bring the Vessel into compliance,

necessitating continued detention and accrual of significant daily expenses.

All post-arrest expenses, could be assessable as *custodia legis* expenses, which come in priority to those of the arresting parties.

To date, total maritime lien claims (of the arresting parties) against the Vessel are at least \$390,000, including those of Lukowski (about \$85,000), Merlin (about \$241,000), and intervenor Gloucester Terminals LLC (“Gloucester”) (about \$63,000). In addition, there are outstanding charges of \$51,600 due and owing - arguably, all post-arrest, *custodia legis* claims - to Canton Port Services LLC (dockage)(see, Exhibit A hereto). The approximately \$4,500 that claimants Merlin and Gloucester had to advance when owner was “short” also are *custodia legis* claims, as is what is at least \$1,500 or more of U.S. Marshal’s insurance for the Vessel. Canton Terminals)(where the Vessel has been berthed, since its arrest over a month and a half ago) now has announced, that it no longer because of the need for space for its own commercial operations, will be able to have the Vessel past next Monday, June 16th, stay at its pier. Consequently, there will be a further, unknown amount to move the Vessel from Canton across the Baltimore Harbor to another berth (unknown at present), including the cost of tugs and line handling (about, \$3,000), and further berthing costs (because, again the Coast Guard will not permit the Vessel to go to anchorage). If owner becomes unable to pay the Vessel’s crew, claimants may be faced with the situation either of having to pay the crew, or, send them home (the crew are from Central America, Georgia (the country) and Greece) at a cost of \$20,000 or more.

When one considers the total claims against the Vessel - both for maritime liens and *custodia legis* claims - which even before considering the high likelihood that owner will be unable to pay future claims - equal at least \$445,000 - already, the claims (before considering accruing maritime prejudgment interest) are, after Vessel sale expenses (which typically are, about

10% of the gross proceeds, for advertising and brokerage), already in excess of the likely sale range of the Vessel.

Compass Maritime Services, LLC has estimated the value of the Vessel at \$500,000 to \$600,000 (Valuation Certificate, Exhibit B hereto). Given the total claims, outstanding charges, unknown moving and new dockage amounts, and the costs associated with the sale of a vessel, it is highly unlikely that selling the Vessel will produce enough revenue to satisfy all existing claims, and that in fact, the Vessel expenses and claims already have exceeded the likely Vessel sale price, at any U.S. Marshal's sale.

An Interlocutory Sale is Justified Under Supplemental Rule E(9)

Pursuant to Supplemental Federal Admiralty and Maritime Rule E(9), this Court now should order an interlocutory sale of the Vessel because:

- A. the attached or arrested property is perishable, or liable to deterioration, decay, or injury by being detained in custody pending the action;
- B. the expense of keeping the property is excessive or disproportionate; or
- C. there is an unreasonable delay in securing release of the property.

Any one of these three factors is sufficient to order an interlocutory sale pursuant to Supplemental Rule E(9); here, all three are present. *Caterpillar v. Coleman*, 1999 U.S. Dist. LEXIS 22387, *2, 2000 AMC 539, 540 (C.D. Cal. 1999), citing *Merchants Nat'l Bank of Mobile v. Dredge General G.L. Gillespie*, 1982 AMC 1, 5, 663 F.2d 1338, 1341 (5th Cir. 1981); see also *Silver Star Enterprises, Inc. v. M/V Saramacca*, 19 F.3d 1008, 1014 (5th Cir. 1994).

The Vessel is liable to deterioration, decay, or injury by being detained in custody pending the outcome of this action. The valuation certificate provided by Compass Marine (Exhibit B) notes the Vessel's "past deficiencies," "ill trading and market reputation," and "extremely poor ...

condition.” Exhibit C hereto, the Coast Guard’s present Port State Control (basically, deficiency) record for the Vessel, bears out the Vessel’s continued deficiencies. Owner has no real defense to any substantial part (if any at all) of any of the maritime lien claims against the Vessel. Owner claims that the ongoing repairs are “improving” the condition of the Vessel; if the five weeks of repairs and the resulting failed Coast Guard inspections are any indications, however, such repairs are merely postponing the inevitable sale of the Vessel. Although Owner might claim a fair market value of \$3,000,000 (\$2,000,000 if sold for scrap) based on “recent estimates,” Owner has not, and Merlin expects, can not, provide any sworn affidavit or testimony in support of these figures, despite demanding the same proof from plaintiffs.

What should be kept in mind, too, is that this Court’s scheduled hearing on Merlin’s motion, is June 19th (8 days away); even if the Court were on June 19th to order the Vessel’s sale, there would need to be (and the Local Rules would require) at least three (3) additional weeks, to advertise the Vessel for sale, and market that sale. Consequently, any U.S. Marshal’s auction sale of the Vessel is at least a month away from the present date. If Owner miraculously, could post security, or pay the claims, then, in addition to the now over month and a half the owner has had to do that, since the arrest, Owner therefore would have an additional month to pay or post security, and the sale could be canceled and Vessel freed from arrest before any sale. There is, however, no reason to delay, now, setting a certain U.S. Marshal’s Sale date, so that by that deadline, the Vessel either will sail, or, be sold.

Sale of the Fuel Oil is Impractical and Unlikely to Satisfy Merlin’s Claims

It also should be noted, that it is unlikely that any sale of the Merlin bunkers, aboard, the Vessel, will satisfy Merlin’s claims.

First, Merlin’s terms and conditions require that owners satisfy all of Merlin’s expenses of

pursing Merlin's claims, including, attorneys fees and costs. Upon sale of the bunkers, their title passed to *in personam* defendant Didco. Although attorneys fees and court costs are not assessable *in rem* as maritime liens against the Vessel, they are assessable against Didco *in personam* and therefore against Didco's property. Merlin first will look to the bunkers to pay attorneys fees and costs.

In its letter to the Court of May 29, Owner claims that the fuel oil sold by Merlin (for which payment remains due and owing) has appreciated in value from \$236,000 to \$325,000 and that the sale of this fuel oil would generate sufficient revenue to satisfy Merlin's claim. However, as Owner is aware, the fuel oil provided by Merlin has been commingled with other fuel, raising issues of quality control that would very likely affect the going price if the fuel is sold. In addition, the fuel is "MGO" - a diesel fuel, not standard vessel bunkers - which is not sold in Baltimore; if it were off-loaded from the Vessel, after that off-loading, for sale, it would have to be barged, at significant cost, to Norfolk or back to New Jersey (where Merlin had the fuel provided to the Vessel, in the first place). It also is uncertain, whether the Vessel's pumps would support any off-loading operations, what the insurance for off-loading would be, and whether the potential revenue merits the risk of environmental damage from a fuel spill. In sum, off-loading fuel from any vessel, much less the Vessel, is a very risky proposition, and, Merlin does not have to trade that for its certain maritime lien against the Vessel.

Furthermore, even if it were to accept an off-load of the bunkers for even partial satisfaction of its claims, the Lukoski, Gloucester, Canton Terminals, and likely, some part of the Merlin claims, would remain, with the Vessel without sufficient fuel to go to or remain at anchorage.

Conclusion

In its current condition, the Vessel is worth no more than \$600,000. Owner can provide no sufficiently supported basis to support any fair market valuation for more. Current claims on the Vessel approach \$450,000 and do not include significant additional unknown costs that will, considering the costs of sale of the Vessel, more than likely exceed its \$600,000 value. Owner's past non-performance – notably Owner's inability to bring the Vessel in compliance with Coast Guard requirements despite over five weeks of repairs – is strong evidence that this Court now should set a firm date for the United States Marshal's sale of the Vessel, before the Vessel suffers any further, additional erosion in value risking whether, claimants will be paid their full claims.

Dated: June 11, 2008.

/s/ J. Stephen Simms
J. Stephen Simms (#4269)
Simms Showers LLP
20 South Charles Street
Suite 702
Baltimore, Maryland 21201
Telephone: 410-783-5795
Facsimile: 410-510-1789

Merlin Petroleum Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this June 11, 2008, I caused a copy of the foregoing to be filed on the Court's CM/ECF system for service on all record counsel.

/s/ J. Stephen Simms

Canton Port Services, LLC.

INVOICE

VESSEL

VESSEL/VOYAGE# : SNOW BIRD
DATE OF ARRIVAL :

INVOICE

NUMBER : 104158
DATE : 06/10/08

ATTENTION :

TO : M/V Snow Bird
And/Or Owners

COMMODITY OR ITEM : Dockage

AMOUNT : \$51,600.00

UNIT : 43

RATE : 1200.00

PAID :
CH: Date:

ADDITIONAL INFORMATION

Dockage from April 30 thru June 11, 2008
as follows:

April - 1 day x \$1,200 = \$ 1,200.00
May - 31 days x \$1,200 = 37,200.00
June - 11 days x \$1,200= 13,200.00

TOTAL 43 days x \$1,200 = \$ 51,600.00

TOTAL DUE : \$51,600.00

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;
;

REMIT TO Canton Port Services LLC
C/O PNC Bank
Fed. Routing 054000030
Account No. 5501583294
Swift Code: PNCCUS33
Terms-Due Upon Receipt

Suite #2
3800 Newgate Avenue
Baltimore, Md. 21224
TEL. 410-633-1601
FAX. 410-633-3475



TELEPHONE:
201-585-9999

ONE EXECUTIVE DRIVE
FORT LEE, NEW JERSEY 07024

TELEFAX:
201-585-9998

ships@compassmar.com

June 6, 2008

EVALUATION CERTIFICATE

We would estimate present market value as follows:

M/V Snow Bird (Ex Makka Arctica)
3,704 Mtdw on 6.16M Draft
Blt 1/1979 Dannebrog, Denmark
Panamanian Flag -
Loa 96.40 Lbp 84.99 Beam 18.25 Depth 11.36 M
Grt: 4,961 / Nrt: 1,536
8,076/7,211 Cbm Gr/Bl
4 Dks - 2/2 Ho/Ha
HA Dim: 16.90x6.10m
CR 2 X 15t (Comb: 30)
2 Alpha 8SL28L-VO 4,244 BHP
Abt 10.0 on abt 9.5T
(Details given in good faith but without guarantee)

CURRENT MARKET VALUE: USD 500,000 – 600,000.

DISCUSSION

The dry bulk market has been experiencing its highest levels in recent memory and asset prices of all types of vessels are also trading at the highest by any historical standard. Even old vessels, such as the MV SNOW BIRD, that approach the end of their trading life, are valued as 'going concern' since the high freight market justifies the increased maintenance cost and leads to profitable extension of the vessel's trading life.

In order for a vessel to achieve market levels during a Sale & Purchase (S&P) transaction, valid trading certificates issued by competent statutory and regulatory authorities must be present and transferred to the Buyers to the extent that is permissible. Besides trading certificates, the quality of the vessel's technical management is reflected in the vessel's trading history and her record during inspections by port, statutory and regulatory authorities. Certain deficiencies that are discovered during such inspections can be addressed immediately and with little cost, while other deficiencies require significant expense and time from the part of

For a vessel like the MV SNOW BIRD, of her age and expected wear and tear, with certificates valid and an acceptable record of inspections by port, statutory and regulatory authorities and backed by the reputation of a technical manager who maintains vessels in good condition, we are of the opinion that the vessel would be of a Fair Market Value, as defined herebelow, of approximately US\$ 1,900,000.

However, given the information we are aware of the vessel's past deficiencies, lack of extensive list of valid trading certificates, the anecdotal evidence of extremely poor vessel condition, and the presence of the vessel's ill trading and market reputation, we are of the opinion that the actual FMV of the vessel is severely below the price that she would have achieved if she were in a state expected of her age and make.

We are of the opinion that the present FMV of the vessel in her current condition as described to us and based on the information available to us, strictly on an 'as is, where is' condition is very close to her scrap value of:

US\$ 500,000 - 600,000.

DEFINITIONS & IMPORTANT DISCLAIMER

FAIR MARKET VALUE : We have considered FAIR MARKET VALUE as the estimated amount, expressed in terms of money, as of a certain time, that may reasonably be expected for a property in an exchange between a willing buyer and a willing seller, with equity to both, neither under any compulsion to buy or sell, and both fully aware of all relevant facts, considering that the property will be removed to another location.

The valuation of the vessel was made assuming a sale between a willing seller and a willing buyer who can utilize the particular vessel's features, and also taking into consideration the vessel's age, size, characteristics. The valuation assumes that the Vessel(s) is employment free and available for delivery to Buyers on a prompt basis free of any and all obligations.

The valuation is valid only on the date first written above. No assurances can be given that the valuation will be sustained or is realisable in an actual transaction. COMPASS MARITIME SERVICES, LLC assumes that the vessel has been maintained in accordance with good commercial practice and is in class, in good working order, with all necessary trading certificates for world-wide trading, with her hull, machinery and equipment in a condition to be expected of a vessel of her age and type, in fair survey position, clean and ready to load any permissible cargo and prepared for prompt charter free delivery in a commercial loading zone and free of any encumbrances, mortgages, liens, debts or claims whatsoever.

Neither COMPASS MARITIME SERVICES, LLC, nor the individual making the evaluation has inspected the vessel, her position of records or made any other independent inspection, investigation or examination whatsoever with respect to the vessel. Any interested party should conduct an independent inspection and investigation of the facts concerning the vessel. No one should rely on this value as a substitute for their own due diligence.

The evaluation is provided solely for the use of the persons to whom it is addressed. The value is to be used only for the specific purposes stated and any other use is invalid. No reliance may be made by any third party without our prior written consent.

COMPASS MARITIME SERVICES, LLC

E. Bart Lawrence

June 6, 2008

*E. Bart Lawrence
Member / Partner*



Mr. J. Stephen Simms, Esq.
Simms Showers LLP
20 S. Charles St.
Baltimore, MD 21201

June 9, 2008

Dear Mr. Simms,

Re: MV Snow Bird Valuation

I have enclosed under separate cover our Valuation Certificate for the MV Snow Bird as well as our Invoice for services as we discussed. Please let me know if you require anything further in that regard.

Please note that Compass Maritime Services LLC was established in 2000 by five leading Sale and Purchase (S&P) brokers in the U.S. The team has over 100 years of diversified shipping experience, including Sale & Purchase brokerage, ship financing, onboard sea-going experience and vessel operations.

COMPASS provides S&P brokerage services in all shipping segments (dirty, clean, and chemical tankers, dry bulk vessels, containerships, cruise ships, tugs/offshore and Jones Act vessels), as well as recycling (scrapping) of vessels and placement of newbuilding contracts.

COMPASS' advisory and consulting services include vessel valuations, market research, due diligence, fairness opinion, trading and hedging strategies (FFAs) and strategy development & management. COMPASS has been mandated with project financing (both equity and debt) and has been involved in sale & leaseback structures for numerous transactions.

Our client base includes ship owners based in the United States together with large number of ship owners worldwide. It also includes oil companies, financial institutions/banks and the U.S. Government.

We are members of ASBA (The Association of Ship Brokers and Agents, USA) and the Baltic Exchange in London. We are panel brokers on the Baltic Exchange Demolition Assessment Panel (BDA) and the Baltic Exchange Sale and Purchase Assessment Panel (BSPA).

Our market data is listed daily on the Hellenic Shipping News. Additionally we publish shipping Market Report weekly that is recognized in the shipping markets as an industry leader.

I appreciate you have asked for my (Bart Lawrence's) background, which I will very briefly provide below. However it is very important to note that we are a team of 7 brokers, with, when added together, have well over a 100 years of experience. As for myself I graduated from Northeastern University with a Bachelor of Science degree in 1975. After completing my undergraduate studies, I joined Chemical Bank as a management trainee.

I joined A.L. Burbank (of which Compass Maritime is the direct successor) in March 1981. I spent two years in the Dry Cargo Chartering department and the New building and Project department prior to joining the Sales and Purchase department. I have sold hundreds of ships for demolition as well as second hand, trading ships sales and offshore vessels. Additionally, over the years I have been very active in the sale of U.S. flag vessels and have an excellent working knowledge of the Jones Act and foreign transfer of U.S. flag vessel requirements as they apply to the U.S. flag fleet.

A handwritten signature in blue ink, appearing to read "Bart".

Our full contact info is available on our web site: www.compassmar.com

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Thomas O'Toole 845-783-9092 / 845-597-4150
Thomas Roberts 914-242-5436 / 201-463-3832
Sophus Schanche 973-283-2848 / 201-463-3831

PROJECTS AND FINANCE:
Basil Karatzas 713-545-5990 / 201-463-3828

Very truly yours,
COMPASS MARITIME SERVICES, LLC


E. Bart Lawrence
Partner



United States Coast Guard

Maritime Information eXchange

Port State Information eXchange

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The Port State Information eXchange (PSIX) system contains vessel specific information derived from the United States Coast Guard's Marine Information Safety and Law Enforcement System (MISLE). The information contained in PSIX represents a weekly snapshot of Freedom of Information Act (FOIA) data on U.S. flag vessels, foreign vessels operating in U.S. waters, and Coast Guard contacts with those vessels. Information on unclosed cases or cases pending further action is considered privileged information and is precluded from the PSIX system.

Results for Vessel: SNOW BIRD

Vessel Information:

Vessel Name: SNOW BIRD
VIN: 7726744
Hull Number:
Vessel Flag: PANAMA
Vessel Call Sign: V3OA5
Build Year: 1979

Vessel Particulars:

Service: Freight Ship
Length: 318.1 ft
Breadth:
Depth:
Alternate VINs:
IMO Number: 7726744

Service Information:

Service: In Service
Out Of Service Date: N/A
Last Removed From Service By: N/A

Tonnage Information:

Deadweight: 3705
Gross Tonnage(GRT): 4961
Net Tonnage(NRT): 1536
Gross Tonnage(GT ITC):
Cargo Authority:

Vessel Documents and Certifications

Document	Agency	Date Issued	Ex
SOLAS Cargo Ship Safety Radio Certificate	N/A	April 10, 2008	Apr
International Oil Pollution Prevention Certificate	N/A	April 10, 2008	May
Classification Document	N/A	April 10, 2008	May
SOLAS Cargo Ship Safety Construction Certificate	N/A	April 10, 2008	May
International Load Line Certificate	N/A	April 10, 2008	May
SOLAS Cargo Ship Safety Equipment Certificate	N/A	April 10, 2008	May
ISM - Document Of Compliance	N/A	April 7, 2008	Nov 201
ISM - Safety Management Certificate	N/A	March 10, 2008	Aug
Classification Document	DNV	July 9, 2003	Feb
Tonnage Certificate, International	DNV	December 5, 2001	

SOLAS Cargo Ship Safety Radio Certificate		October 21, 2001	Feb
Load Line Certificate (Coastwise)		September 21, 2001	Feb
International Oil Pollution Prevention Certificate		September 21, 2001	Feb
Tonnage Certificate, International	DNV	August 15, 1995	

Summary of Coast Guard Contacts

View Data From (MM/DD/YYYY): To:

Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3159872	PHILADELPHIA, PA	March 6, 2008	Vessel Operational Control		

Operation Control Information

Category Type	Control Type	Init
Security	COTP Order (Crew Security Plan)	Sec Bay
Date Imposed	Date Removed	Rea
3/7/2008 12:16:00 AM	4/11/2008 10:55:00 AM	Sec

Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3152907	PHILADELPHIA, PA	February 25, 2008	Vessel Inspection/PSC		
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3113611	SAVANNAH, GA	December 11, 2007	Vessel Inspection/PSC		

Deficiency Information

System	SubSystem	Cau
Engineering	Lubricating Oil Service System	Unk

Description of Deficiency

Number 2 generator drainage piping blocked after lube oil filter and c for proper drainage. Ship's crew disconnected pipe to allow for direct the ship's bilge after lube oil filter drain plug gasket failed. Repair to t satisfaction of the attending classification society surveyor.

Due Date	Resolved	Res
	True	3/5/

Resolution Description

recieved class report attesting to repair to drainage piping.

Deficiency Information

System	SubSystem	Cau
Lifesaving	Inflatable Liferafts	Imp Inst

Description of Deficiency

Attending Classification Society Surveyor attest to the proper installation of the hydrostatic release and weak linkage for the two Viking life rafts on the vessel.

Due Date	Resolved	Res
	True	3/3/2008

Resolution Description

Received class report attesting to the proper installation of the hydrostatic release and weak linkage for the two Viking life rafts on the vessel.

Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3111506	SAVANNAH, GA	December 7, 2007	Vessel Operational Control		

Operation Control Information

Category Type	Control Type	Init
Safety	Letter of Deviation	Mar Uni
Date Imposed	Date Removed	Rea
12/7/2007 9:35:00 PM	12/12/2007 1:42:00 PM	Lett Dev

Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3110598	PHILADELPHIA, PA	December 6, 2007	Vessel Inspection/PSC		

Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3082959	SAVANNAH, GA	October 19, 2007	Vessel Inspection/PSC		

Deficiency Information

System	SubSystem	Cau
Accommodation/Occupational Safety	Ventilation	

Description of Deficiency

Vessel does not have air conditioning in the accommodation spaces due to an inoperable compressor and evaporator. In accordance with ILO 147, each accommodation space must be provided with ventilation capable of 1

the air in a satisfactory condition. Repair prior to next US port after satisfactory to the satisfaction of the Administration.

Due Date	Resolved	Res
12/12/2007	True	2/25

Resolution Description

Coast Guard marine inspectors verified the proper working order of the system onboard the vessel.

Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3082547	PHILADELPHIA, PA	October 18, 2007	Vessel Inspection/PSC		
3080823	SAVANNAH, GA	October 16, 2007	Vessel Operational Control		

Operation Control Information

Category Type	Control Type	Init			
Safety	Letter of Deviation	Mar Uni			
Date Imposed	Date Removed	Rea			
10/16/2007 1:04:00 PM	10/16/2007 3:44:00 PM	Lett Dev			
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3078194	PHILADELPHIA, PA	October 11, 2007	Vessel Operational Control		

Deficiency Information

System	SubSystem	Cau
Engineering	Steering Gear System	Imp Mai

Description of Deficiency

Pump #1 failed due to lack of sufficient oil pressure to the system. Crew replaced old pump with a spare pump. Provide Class report attesting to operations of the newly installed pump.

Due Date	Resolved	Res
10/13/2007	True	10/1

Resolution Description

Operation Control Information

Category Type	Control Type	Init

Security	COTP Order (Restriction of Operations)	Sec Bay			
Date Imposed	Date Removed	Rea			
10/12/2007 4:41:00 AM	10/14/2007 7:04:00 AM	Sec			
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3070812	PHILADELPHIA, PA	October 1, 2007	Vessel Operational Control		
Deficiency Information					
System	SubSystem	Cau			
Navigation	Collision/Grounding Avoidance	Unk			
Description of Deficiency					
Due Date	Resolved	Res			
	True	10/1			
Resolution Description					
Operation Control Information					
Category Type	Control Type	Init			
Safety	Letter of Deviation	Sec Bay			
Date Imposed	Date Removed	Rea			
10/1/2007 9:58:00 PM	10/12/2007 4:07:00 AM	Lett Dev			
Operation Control Information					
Category Type	Control Type	Init			
Safety	Letter of Deviation	Sec Bay			
Date Imposed	Date Removed	Rea			
10/12/2007 4:05:00 AM	10/14/2007 1:28:00 PM	Lett Dev			
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3034384	San Juan, PR	August 16, 2007	Vessel Inspection/PSC		
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3027912	San Juan, PR	August 14, 2007	Vessel Operational Control		
Deficiency Information					

System	SubSystem	Ca			
Navigation	Collision/Grounding Avoidance				
Description of Deficiency					
Echo depth sounder not operational.					
Due Date	Resolved	Res			
2/29/2008	True	4/1/			
Resolution Description					
Received a copy of the ships safety equipment certificate that was am the vessels class to sail with the faulty depth sounder until the next dr					
Operation Control Information					
Category Type	Control Type	Init			
Safety	Letter of Deviation	Sec			
Date Imposed	Date Removed	Rea			
8/14/2007 7:16:00 PM	10/12/2007 3:36:00 PM	Lett Dev			
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3008241	Atlantic Beach, FL	July 26, 2007	Vessel Operational Control		
Operation Control Information					
Category Type	Control Type	Init			
Safety	COTP Order (Restriction of Operations)	Sec Jack			
Date Imposed	Date Removed	Rea			
7/26/2007 7:57:00 PM	7/30/2007 3:29:00 PM	Lett Dev			
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3007366	Atlantic Beach, FL	July 25, 2007	Vessel Operational Control		
Operation Control Information					
Category Type	Control Type	Init			
Safety	COTP Order (Restriction of Operations)	Sec Jack			
Date Imposed	Date Removed	Rea			
7/25/2007 9:04:00 PM	7/26/2007 7:53:00 PM	Lett Dev			
Case	Incident	Enforcement	Nat		

Number	USCG Zone/Port	Date	Activity Type	Description	Inci
3003459	PHILADELPHIA, PA	July 22, 2007	Vessel Operational Control		

Deficiency Information

System	SubSystem	Cau
Navigation	Collision/Grounding Avoidance	

Description of Deficiency

ECHO DEPTH SOUNDING DEVICE UNREPAIRABLE UNTIL D		
Due Date	Resolved	Res
	True	

Resolution Description**Operation Control Information**

Category Type	Control Type	Init			
Safety	Letter of Deviation	Sec Bay			
Date Imposed	Date Removed	Rea			
7/22/2007 2:08:00 PM	7/23/2007 2:24:00 PM	Lett Dev			
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3000343	PHILADELPHIA, PA	July 19, 2007	Vessel Inspection/PSC		

Deficiency Information

System	SubSystem	Cau
Navigation	Collision/Grounding Avoidance	

Description of Deficiency

Echo Depth Sounder (Printer) does not clearly indicate vessel's depth. Failed test that states Echo depth sounder is operating properly to USCG, prior to Violation of 33 CFR 164.35(i).

Due Date	Resolved	Res
	True	7/22

Resolution Description

Received tech report that stated the problem with the Echo Depth sounder is transducer & can only be corrected at dry dock. Received letter from USCG allowing vessel to sail with echo depth sounder in the present condition until dry dock.

Deficiency Information

System	SubSystem	Cau
Documentation	Safety/Response Plans/Programs	

Description of Deficiency

Vessel could not provide a Non Tank Vessel response Plan. Vsl had a stating that the plan had been recv'd and is under review, however the board. Violation of CGMTA 2004 Sec 701. Provide plan to USCG pr port after sailing foreign.

Due Date	Resolved	Res
	True	7/20

Resolution Description

Received fax confirmation that vessel received its NTVRP.

Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
3000159	PHILADELPHIA, PA	July 19, 2007	Boarding		
2931871	PHILADELPHIA, PA	May 16, 2007	Vessel Inspection/PSC		
2835122	SAVANNAH, GA	December 5, 2006	Boarding		
2809075	SAVANNAH, GA	October 27, 2006	Vessel Inspection/PSC		
2562859	PHILADELPHIA, PA	January 8, 2006	Vessel Inspection/PSC		
2548744	PHILADELPHIA, PA	December 9, 2005	Vessel Inspection/PSC		

Deficiency Information

System	SubSystem	Cau
Fire Fighting	Structural - B Class Divisions	

Description of Deficiency

Vessel's door from passageway into scullery does not shut properly. I must be corrected within (14) days. Cite SOLAS Unammended Ch. II

Due Date	Resolved	Res
12/23/2005	True	1/9/

Resolution Description

Door was observed to proper in operation.

Deficiency Information

System	SubSystem	Cau
Fire Fighting	Self-contained Breathing Apparatus	

Description of Deficiency

Vessel's SCBA air inlet valve was not functioning properly. Vessel must have new SCBA prior to departure. Cite SOLAS 74 Unammended Ch. II-I

Due Date	Resolved	Res
12/10/2005	True	12/1

Resolution Description

Deficiency corrected.

Deficiency Information

System	SubSystem	Cau
Construction/Loadline	Markings	

Description of Deficiency

Loadline was found to be not painted in contrasting color. Vessel must paint loadline within (14) days. Cite ICLL

Due Date	Resolved	Res
12/23/2005	True	1/9/

Resolution Description

Load Line was found to be painted in contrasting color.

Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
2470234	PHILADELPHIA, PA	August 21, 2005	Boarding		
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
2425306	PHILADELPHIA, PA	July 12, 2005	Boarding		

Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
2423079	PHILADELPHIA, PA	July 11, 2005	Vessel Operational Control		

Deficiency Information

System	SubSystem	Cau
Engineering	Diesel Engine (propulsion-direct drive)	Unk

Description of Deficiency

Vessel suffered a loss of its main engine during outbound transit. Classify the cause and repair.

Due Date	Resolved	Resolved By
5/25/2005	True	5/25/2005

Resolution Description

Class report was received.

Operation Control Information

Category Type	Control Type	Initial Date
Safety	COTP Order (Restriction of Operations)	Section Bay
Date Imposed	Date Removed	Reason
5/24/2005 7:13:00 PM	8/2/2006 5:00:00 PM	Identified Hazard Operational

Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Narrative
2365601	PHILADELPHIA, PA	May 23, 2005	Vessel Inspection/PSC		Incident

Deficiency Information

System	SubSystem	Cause
Operations/Management	Vessel Safety Management	Improper Maintenance

Description of Deficiency

MONTHLY CHECKS OF FIREFIGHTING GEAR NOT BEING CONDUCTED AS REQUIRED BY VESSEL'S SAFETY MANAGEMENT SYSTEM

Due Date	Resolved	Resolved By
	True	5/24/2005

Resolution Description

COAST GUARD PETTY OFFICER FOUND RECORDS OF WEEKLY CHECKS OF FIREFIGHTING GEAR THAT THE CAPTAIN AND SHIP'S SUPERINTENDENT WERE UNAWARE OF IN A MAINTENANCE BOOK.

Deficiency Information

System	SubSystem	Cause
Operations/Management	Lifesaving	Placed in Improper Condition

Description of Deficiency

MUSTER LIST AND EMERGENCY INSTRUCTIONS LANGUAGE NOT UNDERSTOOD BY CREW. CITE: SOLAS 74/78 CH II-2, PART B REG. 8

Due Date	Resolved	Res
	True	5/24

Resolution Description

MUSTER BILLETS IN SPANISH SPEAKING PERSONNEL'S QUARTERS WERE CHANGED FROM ENGLISH TO SPANISH. MUSTER LISTS IN COMMON AREAS HAD THE SPANISH TRANSLATION ADDED TO THE ENGLISH.

Deficiency Information

System	SubSystem	Cau
Accommodation/Occupational Safety	Other Accommodation Spaces	Imp Mai

Description of Deficiency

SUBWAY DECK GRATING ON PORT AND STBD LIFEBOAT PLATES IS SEVERLEY CORRODED. CITE: ILO 147

Due Date	Resolved	Res
	True	5/17

Resolution Description

CORRODED GRATING WAS REPLACED WITH NEW GRATING.

Deficiency Information

System	SubSystem	Cau
Fire Fighting	Self-contained Breathing Apparatus	Imp Mai

Description of Deficiency

VESSEL DID NOT HAVE TWO SPARE OBA TANKS FOR BOTH FIREMAN'S BREATHING APPARATUS. CITE: SOLAS 74/78, CH 10.2.5

Due Date	Resolved	Res
	True	5/24

Resolution Description

VESSEL HAD FOUR FILLED OBA TANKS DELIVERED.

Deficiency Information

System	SubSystem	Cau
Engineering	Steering Gear System	Imp Mai

Description of Deficiency

#2 STEERING GEAR MOTOR IS DRIPPING 1 DROP OF OIL EVERY SECONDS WHILE RUNNING. CITE: SOLAS 60, CH I, REG. 29(a)

Due Date	Resolved	Res
	True	5/24

Resolution Description

GASKET WAS REPLACED AND STOPPED THE OIL FROM DR					
Operation Control Information					
Category Type	Control Type	Init			
Safety	Admin Order	Sec			
Date Imposed	Date Removed	Rea			
5/24/2005 6:25:00 PM	8/2/2006 4:50:00 PM	Ves			
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
2334736	PHILADELPHIA, PA	April 15, 2005	Vessel Inspection/PSC		
Deficiency Information					
System	SubSystem	Cau			
Personnel	Manning/Qualifications				
Description of Deficiency					
2nd Mate/Officer unable to speak English as required by STCW-95. 2 stands Navigational Bridge Watch. 2nd Mate was removed from vessel detained under STCW-95 and can not depart the Port until minimum requirements are met.					
Due Date	Resolved	Res			
	True	4/16/2006			
Resolution Description					
New Captain arrived to switch out with old Captain and both Captain on board until Savannah. New 2nd Officer will board in Savannah and old 2nd Mate and old Captain will depart.					
Operation Control Information					
Category Type	Control Type	Init			
Safety	IMO Related Detention	Sec			
Date Imposed	Date Removed	Rea			
4/15/2005 2:59:00 PM	4/16/2005 6:51:00 PM	Ider			
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
2266933	SAVANNAH, GA	December 31, 2004	Vessel Inspection/PSC		
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
	PHILADELPHIA, PA	November 2005	Vessel		

2246575	PA	23, 2004	Inspection/PSC
Deficiency Information			
System	SubSystem	Cau	
Deck/Cargo	Cargo Stowage	Plac	Imp
Description of Deficiency			
Stowage of cargo along port and starboard sides does not permit access to emergency fire pump or emergency generator spaces. Captain must adjust stowage of cargo allowing access to these emergency spaces.			
Due Date	Resolved	Res	
11/26/2004	True	11/2	
Resolution Description			
Cargo has been discharged from vessel permitting access to emergency spaces located in the forward part of the vessel. A special note will also ensure cargo is loaded safely in the future.			
Deficiency Information			
System	SubSystem	Cau	
Deck/Cargo	Cargo Stowage	Imp	Inst
Description of Deficiency			
Stowage of cargo along port and starboard sides of vessel resulted in cargo railings and probability of cargo loss overboard. In violation of: Solas Part A Regulation 5.1. Class to address prior to departure. Captain to report to Mso Philadelphia prior to departure.			
Due Date	Resolved	Res	
11/26/2004	True	11/2	
Resolution Description			
Received class report attesting that after cargo is discharged, rails will be prior to loading cargo in a manner that requires their support.			
Deficiency Information			
System	SubSystem	Cau	
Personnel	Certificates/Documents/Licenses	Unk	
Description of Deficiency			
2nd engineer's License has not yet been received onboard from Belize. Endorsement expired 03 November 2004. License will be delivered to Captain in Philadelphia and faxed to the Coast Guard prior to departure. In violation of STCW-95.			
Due Date	Resolved	Res	
11/26/2004	True	11/2	
Resolution Description			

Agent hand delivered copy of valid 2nd Engineer's license to the Coa									
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci				
2225002	PHILADELPHIA, PA	October 20, 2004	Boarding						
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci				
2124291	SAVANNAH, GA	July 6, 2004	Vessel Inspection/PSC						
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci				
2091569	SAVANNAH, GA	June 7, 2004	Boarding						
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci				
2054330	PHILADELPHIA, PA	April 28, 2004	Vessel Inspection/PSC						
Deficiency Information									
System	SubSystem	Cau							
Personnel	Certificates/Documents/Licenses	Unk							
Description of Deficiency									
2nd Engineer does not have a valid license for the Flag State of Belize for license has passed the 3 month expiration. As per STCW 95, II/2. of current application for Belize license prior to departure from port.] COMPONENT DESC: License, First Assistant Engineer									
Due Date	Resolved	Res							
	True	4/28							
Resolution Description									
Recieved fax from agent verifying new application for license for 2nd									
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci				
2037474	PHILADELPHIA, PA	April 5, 2004	Enforcement	Warning					
Incident Information									
Role									
Acknowledged Pollution Source									
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci				
2035732	PHILADELPHIA, PA	April 1, 2004	Incident Investigation		Disc				
Incident Information									

Role												
Acknowledged Pollution Source												
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci							
2035053	PHILADELPHIA, PA	March 27, 2004	Vessel Operational Control									
Operation Control Information												
Category Type		Control Type		Init								
Safety		COTP Order (Other)		Sec Bay								
Date Imposed		Date Removed		Rea								
3/27/2004 12:00:00 PM		3/30/2004 5:30:00 PM		Inci								
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci							
2012505	SAVANNAH, GA	February 24, 2004	Boarding									
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci							
1946527	SAVANNAH, GA	November 12, 2003	Vessel Inspection/PSC									
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci							
1939212	SAVANNAH, GA	October 30, 2003	Boarding									
Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci							
1925691	SAVANNAH, GA	October 10, 2003	Vessel Inspection/PSC									
Deficiency Information												
System		SubSystem		Cau								
Engineering		Freshwater Generation System		Imp Mai								
Description of Deficiency												
FRESH WATER PIPING FOR HYDROPHOR PUMP (IN VICINIT WATER SEPERATOR) IS HOLED AND LEAKING. LEGACY CO DESC: Pump												
Due Date	Resolved			Res								
11/10/2003	True			11/1								
Resolution Description												
Recieved classification society report attesting to the proper repairs.												

Deficiency Information

System	SubSystem	Cau
Pollution Prevention/Response	Prevention Equipment	Imp Mai

Description of Deficiency

MAIN SEWAGE TANK INLET PIPE WASTED AND HOLED. LEGACY COMPONENT DESC: Marine Sanitation Device, Type III

Due Date	Resolved	Res
11/10/2003	True	11/1

Resolution Description

Received classification society report attesting to the proper repairs.

Deficiency Information

System	SubSystem	Cau
Accommodation/Occupational Safety	Refrigeration (stores)	Imp Mai

Description of Deficiency

SALT WATER PIPE #2 FOR REEFER HAS LEAKING TEMPORARILY AND IS HOLED ABOVE MAIN VALVE.

Due Date	Resolved	Res
11/10/2003	True	11/1

Resolution Description

Received classification society report attesting to the proper repairs.

Deficiency Information

System	SubSystem	Cau
Engineering	Lubricating Oil Service System	Imp Mai

Description of Deficiency

STBD LUBE OIL COOLER SALT WATER INLET PIPE HOLED AND LEAKING. LEGACY COMPONENT DESC: Piping

Due Date	Resolved	Res
11/10/2003	True	11/1

Resolution Description

Received classification society report attesting to the proper repairs.

Case Number	USCG Zone/Port	Incident Date	Activity Type	Enforcement Description	Nat Inci
1819131	PHILADELPHIA, PA	June 16, 2003	Boarding		

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